

“(2) **COMPREHENSIVE SERVICES.**—If medical, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

“(A) the provision of basic medical equipment, such as eyeglasses and hearing aids; and

“(B) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

“(3) **PROFESSIONAL DEVELOPMENT.**—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.”.

SEC. 105. SCHOOL CHOICE.

Section 1115A is amended to read as follows:

“SEC. 1115A. SCHOOL CHOICE.

“(a) **CHOICE PROGRAMS.**—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.

“(b) **CHOICE PLAN.**—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes a description of how the local educational agency will use resources under this part and from other resources to implement the plan, and assurances that—

“(1) all eligible students across grade levels served under this part will have equal access to the program;

“(2) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

“(3) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;

“(4) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years; and

“(5) such local educational agency will comply with the other requirements of this part.

“(c) **TRANSPORTATION.**—Transportation services or the costs of transportation may be provided by the local educational agency, except that such agency may not use more than a total of 15 percent of its allocation under this part for such purposes.”.

SEC. 106. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

The section heading and subsections (a) through (d) of section 1116 are amended to read as follows:

“SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

“(a) **LOCAL REVIEW.**—Each local educational agency receiving funds under this part shall—

“(1) use the State academic assessments described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2)(B);

“(2) publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual review under paragraph (2);

“(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.

“(b) **SCHOOL IMPROVEMENT.**—

“(1) **IN GENERAL.**—

“(A) **IDENTIFICATION.**—A local educational agency shall identify for school improvement any elementary or secondary school served under this part that—

“(i) fails, for any year, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

“(ii) was in school improvement status under this section immediately before the effective date of the No Child Left Behind Act of 2001.

“(B) **DEADLINE.**—The identification described in subparagraph (A) shall take place not later than the first day of the school year following such failure to make adequate yearly progress.

“(C) **APPLICATION.**—This paragraph does not apply to a school if almost every student in the school is meeting the State's advanced level of performance.

“(D) **REVIEW.**—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under this subsection, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

“(E) **PUBLIC SCHOOL CHOICE.**—In the case of a school identified for school improvement under subparagraph (A), the local educational agency shall, not later than the first day of the school year following identification, provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under subparagraph (A), unless such an option is prohibited by State law.

“(F) **TRANSFER.**—Students who use the option to transfer under subparagraph (E) shall be enrolled in classes and other activities in the public school to which they transfer in the same manner as all other children at the public school.

“(2) **OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.**—

“(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), for corrective action under paragraph (6), or for restructuring under paragraph (7), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

“(B) **EVIDENCE.**—If the principal of a school proposed for identification under paragraph (1), (6), or (7) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

“(C) **FINAL DETERMINATION.**—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school level data, the local educational agency shall make public a final determination on the status of the school.

“(3) **SCHOOL PLAN.**—

“(A) **REVISED PLAN.**—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local

educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

“(i) incorporate scientifically based research strategies that strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

“(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(C)(iii)(I) and (II) and enrolled in the school will meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(4) not later than 10 years after the date of enactment of the No Child Left Behind Act of 2001;

“(iii) provide an assurance that the school shall reserve not less than 10 percent of the funds made available to the school under this part for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

“(I) directly addresses the academic performance problem that caused the school to be identified for school improvement;

“(II) meets the requirements for professional development activities under section 1119A; and

“(III) is provided in a manner that affords greater opportunity for participating in such professional development;

“(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

“(v) establish specific annual, measurable goals for continuous and significant progress by each group of students specified in section 1111(b)(2)(C)(iii)(I) and (II) and enrolled in the school that will ensure that all such groups of students shall meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(4) not later than 10 years after the date of enactment of the No Child Left Behind Act of 2001;

“(vi) identify how the school will provide written notification about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language the parents can understand;

“(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4); and

“(viii) incorporate, as appropriate, extended learning time for students, such as before school, after school, during the summer and extension of the school year.

“(B) **CONDITIONAL APPROVAL.**—The local educational agency may condition approval of a school plan on—

“(i) inclusion of 1 or more of the corrective actions specified in paragraph (6)(D)(ii); or

“(ii) feedback on the school improvement plan from parents and community leaders.

“(C) **PLAN IMPLEMENTATION.**—Except as provided in subparagraph (D), a school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the school year following the school year in which the failure to make adequate yearly progress took place.

“(D) Notwithstanding subparagraph (C), in a case in which a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

“(E) **LOCAL EDUCATIONAL AGENCY APPROVAL.**—The local educational agency shall—

“(i) establish a peer-review process to assist with review of a school plan prepared by a school served by the local educational agency; and

“(ii) promptly review the school plan, work with the school as necessary, and approve the